

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9083 of 2020**

- Kamlesh Kothle S/o Sudama Kothle Aged About 39 Years R/o Ward No. 14, Sonesarar Khairagarh, Police Station And Tahsil Khairagarh, District Rajnandgaon (Chhattisgarh)

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Khairagarh, District- Rajnandgaon (Chhattisgarh)

---- Respondent

For Applicant. : Mr. Awadh Tripathi, Advocate.
 For Respondent/State : Mr. Ayaz Naved, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.02.2021**

1. The accused/applicant has moved this **Second Bail Application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 231/2020 registered at Police Station -Khairagarh, District Rajnandgaon (C.G.) for the offence punishable under Section 420 of IPC, Sections 3, 4, & 5 of Chit Fund Money Circulation Act and Section 10 of the Chhattisgarh Protection of Interest of Depositors Act.
2. Earlier bail application of the applicant was dismissed as withdrawn on 16.09.2020 passed in MCRC No. 4731/2020 and a liberty was given to the applicant to file the same at an appropriate stage.
3. As per the case of prosecution, the allegation against the present applicant is that he and co-accused person along with Director of the Company (Sarvodaya Multitrade Limited Company) have cheated the investors assuring

them of multiple benefits, collected Rs. 18,00,000/- and thereafter, they closed the office.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that during the investigation the name of the applicant has been found in the name list of director but the present applicant is only an agent in the said company. He is neither signatory nor operate any bank account. Referring to Annexure A-5 he would contend that the director of the said company namely Tarun Kumar Sahu has executed an affidavit stating that he is the sole owner of the company and is responsible for all transactions and other activities of the company. Learned counsel for the applicant further contended that he has filed some documents i.e. the receipt copy which shows that the applicant after selling his own land has paid the amount of the investors. As the applicant is in jail since 05.07.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.
5. Per contra, State counsel opposes the bail application and submits that the present applicant along with other co-accused persons have assured the investors for multiple benefit and instead of depositing the same in the account of company used the same for personal benefit and purchased the land. Therefore, looking to the gravity of the crime, the present applicant may not be granted bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, nature of allegation and detention period of the applicant, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 1,00,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu